

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MICHAEL CUNNINGHAM,

Plaintiff,  
vs

1:05-CV-1127

NEW YORK STATE DEPARTMENT OF LABOR;  
LINDA ANGELLO, MARY HINES, and PATRICIA  
RHODES-HOOVER, Each Individually, and in  
their Official Capacity for the New York State  
Department of Labor,

Defendants.

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APPEARANCES:

DONOHUE, SABO, VARLEY & HUTTNER, LLP   KENNETH G. VARLEY, ESQ.  
Attorneys for Plaintiff  
24 Aviation Road  
PO Box 15056  
Albany, NY 12212-5056

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendants  
Department of Law  
The Capitol  
Albany, New York 12224

DAVID N. HURD  
United States District Judge

OF COUNSEL:

JAMES J. SEAMAN, ESQ.  
Asst. Attorney General

**DECISION and ORDER**

The Mandate from the United States Court of Appeals for the Second Circuit was filed in the Northern District of New York on July 14, 2009. (Docket No. 53).

In accordance with the summary order, it is

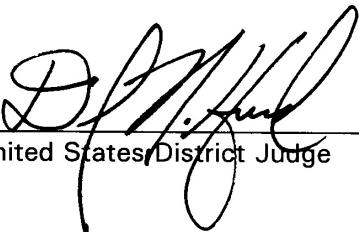
ORDERED that

1. The judgment filed on January 29, 2008 (Docket No. 45) is VACATED as to the Title VII retaliation claims;
2. The parties are directed to file and serve further memorandums of law on the Title VII retaliation claims (see footnote 3) on or before July 31, 2009; and
3. Answering memorandums of law may be filed and served on or before August 14, 2009

There will be no further oral argument.

IT IS SO ORDERED.

Dated: July 15, 2009  
Utica, New York.

  
United States District Judge